



Townsend Council Meeting Minutes September 21, 2016

6:30 pm – Board of Adjustment Meeting

- I. Call to Order: 6:30 pm
- II. Roll Call: Mayor Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TC Cathy Beaver, CW Lorraine Gorman, Roger Brickley representing the owners of the property, Dan Burris & Joe DeFrancesco from PHB.
- III. Discussion on reduction of buffer yard adjacent to residential property at 5988 Summit Bridge Road
 - Mr. Brickley stated they had to leave a 10' wide access along the side of the property, front to back, to update and have access to the septic lines and sewer tank. We don't need a new system but have to do some updates. This is the only access we have to the back of the property. This leaves only 5' to do the landscaping. It will be densely landscaped and will be a huge improvement; currently there is no landscaping on the property. We already had to get a variance for parking and would like to get a variance for the landscaping also.
 - TA Townsend added the property next door is also zoned commercial.
 - TE Hyne asked how far the building will be from the neighbor and was told 15'. He said the requirement is a 25' buffer area.
 - TA Townsend commented the building is wider from the back to the front and Mr. Brickley said yes, they had to do it this way to permit parking and allow as much space as possible for landscaping.
 - TE Hyne said per the drawing, the plantings shown are along the parking lot and building, none in the back area. Mr. Brickley said that is correct, the back would be a grassy area.
 - TE Hyne state our codes would require the buffer the entire length and along the back of the property and Mr. Brickley said they will do whatever is required.
 - TA Townsend and TE Hyne reviewed the codes to see what it requires along the back of the property which is a residential lot. TE Hyne also read the type of trees required by code.
 - Mr. Brickley said the septic tanks are 15' from the property line at the back and we could extend the landscaping. He explained there will be a buffer line with 10' of grass up to the parking lot in front. The access road to the septic system will also be grass.
 - After the discussion, TA Townsend said he supports the variance request providing the buffer extends the length of the property. It is very narrow and there is no one here to object to the variance. Am particularly inclined to support the request as there is an existing business here and feel this would improve the property and benefit the Town as a whole.
 - TA Townsend motioned, Mayor Sutton seconded with unanimous vote to approve the variance request from 25' to 5' with the continuation of the vegetation to the rear of the property and provide that in writing to the Town.
 - Vote: Sutton – aye, Townsend – aye, Hyne – aye. Motion passed granting the variance request with the above stipulation.
- IV. Adjournment: 6:48 pm

6:45 pm – Public Hearing

- I. Call to Order: 6:55 pm
- II. Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- III. Pledge of Allegiance: Pledge was said.
- IV. Discussion of Ordinance No. 16-05, Town of Townsend Fee Schedule
 - CM Hatton read the ordinance by title and synopsis only. This will be a stand-alone ordinance consolidating all the fees into one ordinance.
 - TA Townsend added this has been a huge project, started out with all fees and penalties. We did away with the penalties; they have remained with their ordinances. TM Green and I have talked on a number of issues.
 - There was a short discussion over several items in the ordinance and all Council agreed to the fees in the ordinance. Council also agreed to review the ordinance yearly prior to budget time to adjust any fees.
 - CM Hatton motioned, CW Cook seconded with unanimous vote to move Ordinance No 16-05 to the Council meeting for possible approval.
- V. Adjournment: 7:08 pm, CM Hatton motioned, CM Ness seconded with unanimous.

7:00 pm – Council Meeting

- I. Call to Order: 7:09 pm
- II. Opening Ceremonies
 - a. Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said.
 - c. Recognition of Visitors: 5 visitors
 - d. Announcements: none
- III. Additions/Deletions to Published Agenda:
 - a. CW Cook asked to delete Community Relations, she has nothing to report.
 - b. CM Ness motioned, CM Hatton seconded with unanimous vote to accept the agenda with the above deletion.
- IV. Mayors Report
 - a. Been a while since we had a meeting because of our electrical issues. Happy to report that issue has been resolved.

- b. Talked to Ceil at the MOT Senior Center; she asked if the seniors could use the Town Hall in the future for different events. Would like to know how Council feels about this.
 - CW Cook said she feels it would be great to work with our seniors and give them a place to gather and she would be happy to work with them.
 - CW Gorman and CM Ness both agreed and said it was a great idea, great outreach.
 - Mayor Sutton thanked Council. He said he feels it is a way to give back. We only utilize a small space during the week. Ceil, the manager of the senior center is going to present some ideas and we can discuss this again in the future.
- c. Discussion/possible vote to approve hiring IT company
 - Had a proposal from SSD. There is an info sheet in Council's folders about the company. Debbie Horn recommended this company. They sent a proposal over but can't open it. When I receive it, I'll forward it to Council and we will have it on the agenda at our next meeting to hopefully vote on. TM Green and I sat with Bobbie on Monday. It was a good meeting and the proposal is for a flat fee of \$500.00 per month for 24/7 service, \$6,000 a year. Believe this would be a good move for the Town, based on the IT service of the past.
 - CM Hatton said he feels it is overkill; we are a small company and some months won't need anything. He asked if we could get a will call contract with them.
 - Mayor Sutton said they don't offer that; there are pros and cons. We need a company that is responsive when we need them.
 - TM Green said the other proposal he received was \$800.00 a month.
 - CW Cook verified that our last company was on call only and they were very unresponsive. Have had some issues for a while now.
 - CW Gorman asked if we have anyone now and TM Green said no. She said we shouldn't have cancelled our contract with the prior IT until we had someone new.
 - TM Green said there was no contract. Our prior IT guy was part of the group who did the conversion and once the conversion was done so was the company. Our guy was thinking about taking on the position but wasn't comfortable working on someone's personal computer.
 - There was a discussion about the AOL issue we are having with our system.
 - Mayor Sutton said the main point with SSD is they are willing to take on our issues and not point fingers. All issues will be fixed and they are available all the time. We have left the Town vulnerable for long enough. Our system is rather complicated and if TM Green isn't around and we have a server problem, there is no one that can fix it.
 - CM Ness agreed that Council needs to consider this company. Unfortunately with technology, you need someone that is available when you need them.
 - TM Green added that the contract is a month to month contract and we can terminate it at any time with a 60 day notice.

V. Reports

- a. Town Attorney Fred Townsend III:
 - Been talking to TM Green to get Ordinance No. 16-05 together, glad it's over.
 - Would like Council to schedule an executive session prior to the next meeting to discuss litigation.
 - It was agreed to put the exec session at 6:00 pm prior to the workshop on 10/19/16 so all can be in attendance.
- b. Town Engineer Owen Hyne:
 - TVI Phase I – getting as built, have punch list to be completed.
 - Phase 3b – heavy site work going on.
 - TVII, Phase 4d – home construction continues; inland protection complete and have marked which ones can be removed. Will be better ponding during storms.
 - Met with Delmarva and the developer about the development lighting.
 - TM Green added he talked to the developer and Tom Cahill yesterday; looks like the light responsibility will be moved to the homeowner association responsibility. Tom said he has never heard of a Town that pays for lights. He can take care of TVII West and the other developments as they get closer to being built out. He will also send a letter to Townsend Station Homeowner's Association. Also talked to Mike Young from Delmarva yesterday and will pass his information onto Tom Cahill. The language in the homeowner association rules will have to be changed. As for the open space – verbiage says the Town will take it over but we can change this and have open space stay with the homeowners.
 - CM Hatton asked how long before the lights will be turned over.
 - TM Green said Tom said it would be a year.
 - Mayor Sutton said this is great news for the Town, not so great for the homeowner's.
 - TE Hyne said we are coming to a close at the Town Hall. The new contractor took 4 days (with a rain day included) to complete all the site work. The parking lot will be striped tomorrow by Wilkinson. Bailey's should have the sod down by Friday. There is still a punch list for the building and site work that will have to be completed.
 - CW Gorman said the paving work was to be completed last week in TVII West. Still not done.
 - TE Hyne said the problem is with the sub-contractor, will continue to call him to get this cleaned up.
 - Mayor Sutton said he will also call Sapperstein and the subs.
 - TM Green stated Sapperstein probably isn't in a situation to re do the work, post bond and turn the streets over to the Town. Roads are still his responsibility.
- c. Town Manager Dawson Green:
 - Insurance issue has been resolved, waiting for confirmation email from Celeste.
 - Ron assured me the dumpster will be removed from Edgar and Main Street for the parade and they are going to sweep the street.

- Met with DelDot and Principal Davis about the U-turn signs on Main Street at the school. DelDot working on the plan.
- DNREC will be fog spraying by truck in Town and the developments tomorrow between 8:00 am-10:00 pm.
- CM Ness said he will put an announcement on Code Red. Will also be doing a Code Red announcement for the parade and fair for no parking on Main Street, Brook Ramble Lane or Edgar Road.
- Dollar General finally finished the enclosure for the trash.
- CW Cook asked about Dollar General keeping the parking lot clean, she said she receives a lot of complaints.
- TM Green said he called corporate directly, there is another new manager at the store.
- DelDot plans to shut down Grears Corner Road at the railroad track on Saturday at 7:00 pm. They are also in the process of making the signs for no parking on Main Street west of the railroad tracks.
- CW Cook stated George has asked several times about checking the electric boxes on the poles for the Christmas decorations. She asked TM Green to look into this.

VI. Committee Reports

a. Finance: Chair – CM Jermaine Hatton

- Discussion/consider approving FY 2017 Budget
 - I. We have brought in 52% of the income from our approved budget already. We will bring in more than was budgeted this year.
 - II. Budgeted for 24 new homes, have 18 to date.
 - III. Expenditures are much lower than revenue.
 - IV. Potential GL's will verify we are pacing correctly.
 - V. CM Hatton motioned to approve the FY 2017 budget a second time, CM Ness seconded with unanimous vote.
- Discussion/consider approving Ordinance No. 16-05, Town of Townsend Fee Schedule
 - I. CM Hatton motioned, CM Ness seconded with unanimous vote to read by title only.
 - II. CM Hatton read Ordinance No. 16-05 by title only.
 - III. CM Hatton motioned, CW Cook seconded with unanimous vote to approve Ordinance No. 16-05.

b. Public Works: Chair – Mayor Rudy Sutton

- Discussion/possible vote on Finley Street project
 - I. We received an estimate for a stone base for the konox boxes to move them from the Old Town Hall to Finley Street. B&W submitted an estimate for 94 ton of stone, installing pipe for drainage, moving some trees and grading for \$2,735.00.
 - II. CM Hatton motioned, CM Ness seconded with unanimous vote to accept the bid from B&W for \$2,735.00.
- Discussion on 141 Main Street Landscaping – We discussed this earlier in the meeting.
- Discussion/possible vote on RVB Change of Scope #3 for 141 Main Street
 - I. TE Hyne said this change would enable RVB to locate and mark the property corners at the new Town Hall.
 - II. Mayor Sutton said this proposal comes to \$2,080.00 which increases RVB's contract amount.
 - III. CM Hatton motioned, CM Ness seconded with unanimous vote to accept the bid from RVB for change of scope #3 in the amount of \$2,080.00.

c. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman

- CM Hatton stated the planning commission is meeting here next Wednesday. They will be nominating officers, adopting the by-laws and working on the 5 year comp plan update. Will also discuss possible zoning updates.
- Discuss/possibly approve site plan for 5988 Summit Bridge Road
 - I. CM Hatton said Council all has a copy of the site plan; this is for re-development.
 - II. Roger Brinkley explained this will be a 6000 square foot retail building toward back of property with a round drive, one way in and out. 4500 feet will be occupied by Smith's Liquors and hope to have a small retail store in the remaining 1500 feet. The underwater infiltration system has been approved by conservation, entrance permit approved by DelDot. All items are resolved except the bonding, which PHB is working on getting to Town.
 - III. Mr. Harrington asked if this will also eliminate the rental property behind the current store.
 - IV. Mr. Brinkley said yes, they are being demolished now.
 - V. CM Hatton asked for a timeline for finish date.
 - VI. Mr. Brinkley said the permits are at the Town, once issued should take 4 1/2 months total, possibly less. They will keep the current business open until we are ready to move them into the new building.
 - VII. CM Hatton asked if there will be run off control during construction before the erosion control is complete.
 - VIII. Mr. Brinkley said yes, we want no problems and will do what is needed. He added the buffer variance request was approved for the final building plans. The buffer landscaping will go the entire length of the property line.
 - IX. Mayor Hatton motioned, CM Ness seconded with unanimous vote to approve the redevelopment plans conditional upon any requests made by TE Hyne.

d. Public Safety: Chair – CM John Ness

- Will be making a Code Red announcement for the fair.

e. Parks & Recreation: Chair – CW Lorraine Gorman

- Pavilion rental/weekend park maintenance
 - I. Several weeks ago we had an 8 hour party in the pavilion and another 8 hour party on Sunday. The Sunday party asked me if they could move the trash from the Saturday party for their event. I moved the

trash bags to the back of the park and the animals got into it and trash was everywhere. We need to consider renting only one weekend day or have weekend coverage to clean trash and the porta-pot. Any suggestions would be appreciated.

II. Would like Council to consider moving the dumpster at the old Town Hall to the park, we could use it there.

III. We received our 6 year certification for the wildlife habitat. Today we received the certificate for Mayor Hatton being one of the 1st Mayor's to sign the butterfly pledge.

IV. I went to a website class. We can have our website re-designed at no charge by the state. Council should also think about this.

• Town Parade & Fair – 9/24/16

I. We have 50+ entries in the parade, 100 vendors. Was a nice article in the Transcript last week. 15 National Honor Society volunteers from Appoquinimink High School have volunteered to help at the fair. Al Harrington volunteered to help with traffic. Mission Church is manning the inflatables and paying for them again this year. Mayor Sutton's son and friends will be handling the traffic on Main Street. Townsend Elementary School Choir will sing the National Anthem.

II. Would like Council to be at the old Town Hall to load games at 7:00 am the morning of the event. CW Cook doing the games again this year. The judges' station will be by the baseball field. C Hatton will collect from the vendors at the end of the day. Cathy will be parking the vendors and working the Town table.

III. Mayor Sutton said he will use his box truck to load the games the night before the fair.

VII. Citizens Comments & Participation - none

VIII. Motion to Recess for Executive Session: CM Hatton motioned, CM Ness seconded with unanimous vote at 8:30 pm

IX. Motion to Convene Executive Session:

a. In accordance to 29 Del. C. §10004 (b) (9) the Town Council will be meeting in executive session to discuss personnel matters.

X. Motion to close Executive Session & Re-Convene Mid-Month Meeting:

XII. Adjournment:

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